IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:11-CR-00034-F-2
No. 4:16-CV-00180-F

GERALD LEE BANKS,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

This matter is before the court on Gerald Lee Banks's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-175]. Having examined Banks's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Banks asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri R. Alspaugh with the Office of the Federal Public Defender has been appointed to represent Banks pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 21 day of June, 2016.

JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE